

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE GUSTAVO RUBIO,

Defendant.

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CASE NO. 8:04CR469

**MEMORANDUM
AND ORDER**

The defendant *may* be entitled to a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) and General Order 2014-06 (“IN THE MATTER OF THE CASES WHERE MOTIONS TO AMEND SENTENCES PURSUANT TO AMENDMENT 782 IN APPENDIX C TO THE SENTENCING GUIDELINES MANUAL MAY BE FILED”). The defendant should understand that I have made no determination whether the defendant is covered by the Amendment or whether the defendant, if covered by the Amendment, should be given a reduction. Those questions are yet to be determined. With the foregoing in mind,

IT IS ORDERED that:

1. In light of the following, defendant’s pro se submission (Filing No. 115) is denied as moot;
2. The Federal Public Defender (or his nominee) is herewith appointed to represent the defendant. The Clerk’s office shall provide the Federal Public Defender and the defendant with a copy of this order. *Appointed counsel shall promptly enter an appearance;*
3. No later than October 28, 2014, the probation office shall file as a restricted (but not sealed) document and provide the undersigned *and* counsel of record with a “Retroactive Sentencing Worksheet.” If the officer requires additional time, a request may be made to the undersigned by e-mail. The Clerk’s office shall provide Mike Norton, Supervisory United States Probation Officer, with a copy of this Memorandum and Order; and

4. No later than December 1, 2014, counsel of record shall confer and do one of the following:
 - A. File a stipulation signed by both counsel containing the following provisions: (i) an agreement that the defendant is eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10; (ii) an agreement that the defendant may be resentenced without being present and without further notice; and (iii) an agreement regarding the recommended sentence.
 - B. In lieu of the stipulation provided in paragraph A, counsel for the government shall contact my judicial assistant and arrange a telephone conference with the undersigned and counsel for the defendant so that further progression of this case may be scheduled.

DATED this 29th day of August, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge